

U.S. Patent Application Serial No. 10/658,829  
Reply to Office Action dated September 21, 2005

Remarks:

Applicant has read and considered the Office Action dated September 21, 2005 and the references cited therein. Claims 1, 5, 7, 22 and 24 have been amended and new claims 26-29 have been added to further distinguish over the prior art. Claims 6 and 11-21 have been cancelled without prejudice or disclaimer. Claims 1-5, 7-10 and 22-29 are currently pending.

In the Action, claims 1-6 and 8-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tarasenko et al. The Office Action included marked up drawing figures of the reference depicting the claimed features. Claim 1 has now been amended and incorporates the features of claim 11, which was indicated as being allowable. In addition, claim 7 has been amended and is now rewritten in independent form. Applicant asserts that claim 1 is therefore allowable and that claims 2-5 depending there from are also allowable. Applicant also asserts that claim 7 patentably distinguishes over the prior art and that claims 8-10 depending there from are allowable. Applicant asserts that the claims patentably distinguish over the Tarasenko reference or any other prior art or combination thereof. Applicant requests that the rejection be withdrawn.

Claims 7 and 11 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for the indication of allowable subject matter. Claim 1 has been rewritten to include the features of claim 11. Claim 7 has been amended and rewritten in independent form. Applicant asserts that these claims are therefore allowable.

It appears that previously presented claims 21-25 were not examined. Applicant notes that claim 21 has been cancelled. Claim 22 has been amended and clarifies that the first and second brushes are not coaxial, as is shown in Tarasenko. Applicant asserts that the present invention is for a different purpose and functions differently from the Tarasenko reference,

U.S. Patent Application Serial No. 10/658,829  
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which only has brushes of different diameter on the same rotating shaft. Applicant asserts that claim 22 patentably distinguishes over Tarasenko and any other prior art or combination thereof.

Claim 23 provides further clarification about the brush arrangement of the present invention and further distinguishes over Tarasenko and is allowable for the same reasons as well as others.

Claim 24 also recites, *inter alia*, that the brushes are parallel and rotate on different axes rather than being coaxial. Applicant asserts that claim 24 is allowable for reasons similar to those discussed above. Claim 25 recites additional structure relating to the second brush and is believed to be allowable for the same reasons and others.

New claim 26 recites a conveyor apparatus with a conveyor transporting articles having a direction of travel from a receiving end to a delivery end. The conveyor includes a separator assembly proximate the delivery end for removing debris from the transported articles. The separator assembly includes a first rotating brush and a second rotating brush spaced apart from the first rotating brush and parallel to the first rotating brush. The brushes are configured so that the transported articles fall onto the separator assembly and pass downward intermediate the first and second rotating brushes. The debris falls onto the separator assembly and passes over the rotating brushes and is separated from the transported articles. According to the present invention, the debris falls onto the separator assembly and passes over the rotating brushes and is discharged over the brushes. Applicant asserts that none of the prior art teaches or suggests such a configuration and cannot achieve such efficient separation. The present invention provides advantages for a simple and reliable way of removing debris from transported articles, such as twigs and leaves from harvested fruit. The prior art is not directed to separation as is done with the present invention. Applicant asserts that claim 26 patentably distinguishes over the prior art and provides advantages over the prior art. In addition, claim 27 clarifies that the transported articles are heavier than the debris. As stated above, the transported articles fall through the

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U.S. Patent Application Serial No. 10/658,829  
Reply to Office Action dated September 21, 2005

brushes while the debris passes over the brushes for separation. Claim 28 further clarifies that the transported articles are denser than the debris.

Finally, claim 29 recites that the brushes have bristles with the size and rigidity to support the debris. This allows the transported articles to fall down through the brushes while the debris is supported on the brushes and is therefore separated from the transported articles.

Applicant asserts that the claims are in condition for allowance. A speedy and favorable action on the merits is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's Representative at (612) 336-4728.

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PATENT TRADEMARK

Respectfully submitted,

MERCHANT & GOULD P.C.

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